

TOWARD A PHENOMENOLOGY OF SEX-RIGHT

Reviving Radical Feminist Theory
of Compulsory Heterosexuality

KATHY MIRIAM

In 2004, a special issue of the *Journal of Women's History* devoted itself to Adrienne Rich's landmark 1986 essay, "The Lesbian Continuum and Compulsory Heterosexuality." As a contributor to this volume, Rich reflects critically, from the perspective of twenty-three years, on the shortcomings of her essay. While expressing ambivalence about the concept of the "lesbian continuum," she remains convinced of the "lasting usefulness" of her critique of the heterosexual presumption. She writes, "That new generations of young women have met with that critique for the first time in my essay only indicates how deeply the presumption still prevails" (10).

My own encounters, in the past five years, with college-age women and men confirm Rich's remarks. Seasoned by mass media circulating "normal" and "likeable" images of gays and lesbians and to some degree enlightened by the educational efforts of GLBT groups on campus, many of the young people I teach hold the liberal attitude that gays and lesbians "are just like everyone else." Yet despite this spirit of tolerance for gays and lesbians, the *heterosexual presumption* remains intact, even in my feminism classes. For most of my feminism students, the claim that heterosexuality is social, institutionalized, and compulsory comes as a revelation.

The fact that the theory of compulsory heterosexuality is both so new to my students and has such a (positive) impact on their feminist consciousness, points to the extent to which the *compulsory* dimension of heterosexuality remains mystified/naturalized in the contemporary life-world, and indeed the extent to which heterosexuality remains compulsory despite the visibility—and to some extent cultural legitimacy—of diverse sexual identities. Political and cultural backlash tactics against queers and queer rights point to the extent to which heterosexual privilege and entitlement remain deeply sedimented within the wider culture. In the United States, the current administration clearly seeks to enshrine heterosexual marriage as the norm for civilization and has significant support for this mission from the American public. In the 2004 U.S. presidential elections, eleven out of eleven states with an amendment to ban gay marriage on the ballot approved the measure. Since that time (as well as leading up to it), state and local legislators, as well as public-citizen groups, have regularly introduced measures to roll back gay rights. The most recent flash point for backlash contingencies, the battle against gay marriage, is the tip of the iceberg of heterosexualism. By *heterosexualism* I refer to an ensemble of social, political, and cultural forces that naturalize and uphold heterosexuality as an entitlement and privilege, while threatening the social and existential survival of anyone who deviates from the heterosexual norm. Despite the fact that so much societal energy is exerted to uphold this norm, most people cleave to the idea that heterosexuality is natural.

I'd like to take the occasion of this special *Hypatia* issue on heterosexualism to revisit the radical/lesbian feminist claim that normative heterosexuality is crucial for the maintenance of female subordination. In my view, we cannot fully understand heterosexist bigotry, or the heterosexual norm, without (re)theorizing the connection between heteronormativity and male supremacy. I also believe that the obfuscation of this connection in feminist and queer theory contributes to the continued mystification of the compulsory dimension of heterosexuality, and thus remains an obstacle to overcoming heterosexualism more generally. This is why feminism needs a radical feminist view.

While most feminists would agree that heterosexuality remains compulsory within contemporary U.S. society, the radical feminist view no lon-

ger has much play within academic feminism. The cornerstone of Rich's notion of compulsory heterosexuality is the theory of "the law of male sex-right to women" (1986, 47)—a theory of heterosexuality as a means for men to gain access to women's emotions, sexuality, and bodies (36–39, 50).¹ Many feminist theorists now contest this notion of (male) power. Elisabeth Grosz's claim along these lines is typical; she argues that the theory of "patriarchy as the system of universal male right to the appropriation of women's bodies" opens the way for a "victim discourse" (1994, 9). Similarly, many theorists have claimed that radical feminist accounts of compulsory heterosexuality and "sex-right" define heterosexuality in terms of male desires and aggression, and therefore, significantly fail to account for female agency.² Such critics might point to the current liberalization of sexual norms within industrialist-capitalist contexts as evidence of women's and girls' active participation in (hetero)sexual relations. To be sure, the Right pushes for its sexual austerity measures to some degree in vain. Few people would disagree that despite such measures, girls and women continue to have sex outside of marital contexts and at younger ages, and increasingly have sexual encounters independent of ongoing, monogamous sexual relationships.

In this essay, I do grant that in order to understand heteronormativity, feminists must include an account of women's and girls' sexual agency. However, I *reject* the idea that a theory of sex-right is therefore outdated and inadequate. I argue that the liberalization of sexual norms, and, more generally, female agency, needs to be understood in terms of the "sexual antinomies in late modernity" (Jackson and Scott 2004). Analysis of these sexual antinomies helps demystify the current ways that the compulsory dimension of heterosexuality is at once more hidden and more entrenched in our culture. First, new forms of women's and girls' sexual agency coexist with unabated (and still vastly underreported) rates of rape and sexual coercion. Second, increased sexual activity needs to be understood in a context where many forms of mass culture have hypersexualized a younger and younger female body through advertising, fashion, cosmetics, and media images. Consider the emergence of a new "sweet-sixteen" gift for girls—breast implants (Duenwald 2004). Do new forms of sexual agency represent a new sexual freedom for women and girls or do they

more predominantly constitute new forms of inducement to (hetero)sex? If inducement, do new forms of female agency imply a new means for men to gain access to women's sexuality and women's bodies? Does this include men's access to lesbian sexuality?

My project in this essay is to focus on the effect of heteronormativity on the agency of women and girls who, even if identified as bisexual, actively engage in sexual heterorelations. Thus, unlike most queer theory, this essay does not focus on the relation between heteronormativity and lesbian or queer agency. However, it's important to note the extent to which lesbianism itself has been refigured by heteronormativity today as central to the heterosexual norm, that is, for the pleasure of men. The cable television show *The L-Word* exemplifies the way that a pornographic view of lesbian sexuality has become a staple of masculinist culture. Again, my own teaching experiences have provided me with insight into sexual culture on a university campus. I have learned, for example, that a common practice at fraternity parties is for the male students to get the girls to make out—frats hold bikini contests where the young women make out with one another as part of the competition, and women are asked to make out just to get into the door of frat parties. Several women students have told me that male students have begged them to make out with their female friends and in some cases offered to pay them to watch. On one fraternity-related website, the top ten hottest lesbian sex scenes in mainstream movies are listed. In sum, there is a great likelihood that today, the sexual agency of lesbianism, rather than simply foreclosed by heteronormativity, is refigured in terms of men's access to women.³

Is it paradoxical to claim that contemporary forms of sexual agency in straight women and lesbians presuppose male access to women's bodies? Or, on the contrary, does the paradox disappear once agency is viewed outside a liberal paradigm of freedom from coercion and from a new philosophical perspective?

In this essay, I view agency from a perspective that distinguishes it in the ontological sense of how a human subject lives through her or his situation (Vasterling 2003) from freedom as a capacity to co-create (and transform) one's situation. From this perspective, there is no paradox in

the idea of a female agency that reproduces or reentrenches rather than overcomes domination, coercion, or victimization.⁴ In order to elaborate this concept of agency, I argue that feminism needs to revive rather than jettison the concept of sexright—only then can we grasp the normative and social conditions of female agency (including lesbian agency) within a situation of gender subordination. I defend the concept of sex-right on new theoretical grounds: I argue that we need to read and expand the radical feminist theory of compulsory heterosexuality and sex-right from a *phenomenological-hermeneutic perspective*. That is to say, we need to understand men's right to have sexual access to women as part of a background understanding—the interpretative ground—of women's (and men's) lived experience of heterorelations. Toward this end, I enlist the work of Maurice Merleau-Ponty (1962, 1964) as well as feminist phenomenology, particularly the work of Linda Martin Alcoff (2001, 2000) and Sandra Lee Bartky (1990). I draw on these theorists to engage a phenomenological-hermeneutic re-reading of Catharine MacKinnon's (1989) theory of sexuality and, more extensively, Carole Pateman's (1988, 2002) theories of the sexual contract. I argue that Pateman's theorizing especially affords us a unique insight into the meaning of sex-right in the contemporary life-world.

Following a strategy of argumentation Alcoff has used, I ground my *phenomenology of sex-right* in a sample phenomenological description of women's lived experience of sexual agency. In order to clear the way for my new approach to sex-right and agency within heterorelations, it's important to first review the main tenets of the radical feminist notion of compulsory heterosexuality and sex-right.

THEORIZING COMPULSORY HETEROSEXUALITY IN 1980

My interest is not in reviving Rich's theory as a whole but in the radical feminist approach her argument crystallized, particularly with the notion of sexright. According to Rich, compulsory heterosexuality exists in and through a "pervasive cluster of forces, ranging from [men's] physical brutality to control of [women's] consciousness" (1986, 185). These forces include men denying women's sexuality, forcing their own sexuality upon

women, exploiting women's labor, and physically confining women. Rich concluded,

Whatever its origins, when we look hard and clearly at the extent and elaboration of measures designed to keep women within a male sexual purlieu, it becomes an inescapable question whether the issue we have to address as feminists is not simple "gender inequality" nor the domination of culture by males, nor mere "taboos against homosexuality," but the enforcement of heterosexuality for women as a means of assuring male right of physical, economical and emotional access. (191)

Rich was theorizing the heterosexual norm in terms of a relation of power—a relation of power that, in her view, goes to the root of heterosexual bigotry, homophobia, and denial of juridical rights to women.

MACKINNON'S THEORY OF SEXUALITY

MacKinnon's theory of sexuality developed the notion of sex-right in significant ways. Her critics typically have claimed that the determinism of her theory inherently precludes the possibility of women's freedom and thus undermines the very project of feminism she would advance (Cornell 1991, 119–64; Brown 1995, chap. 4).⁵ This criticism of MacKinnon as "determinist" relies on an implicit confusion between MacKinnon's social constructionism and a theory of causal determinism. Thus Butler argued that MacKinnon was positing "causal relations" between sex, gender, domination, and heterosexuality: "Sex is gender is sexual positionality" (Butler 1994, 9). Causal determinist theories of human behavior, as Merleau-Ponty argued, do indeed misrepresent human beings by conceiving of them as the meeting place of causal agencies. But human beings are not objects within a causal chain of events; they are subjects actively embodying a relation between the self and world, and thus are involved in interpreting and giving form to their environment (Merleau-Ponty 1962, chap. 3).

However, rather than providing a causal analysis, MacKinnon—in an ironic similarity to Butler here—exposed the normative conditions of intelligibility for (hetero)sexuality (Butler 1993, 14). That is to say, MacKin-

non theorized “what is taken to be sexuality; what sex means and what is meant by sex” (MacKinnon 1989, 129). However, in sharp contrast to Butler, for MacKinnon, “sexual meaning” is “made in the social relations of power in the world” (129) that cannot be fully accounted for by (as Butler assumes) normative and linguistic frameworks of analysis. Thus MacKinnon wanted to know what sexuality means “when, how, with whom, and with what consequences to whom” (129). The answer she arrived at is that (hetero)sexual meaning is made specifically in the “interests of male sexuality” (129). And she emphasized, “It is these interests that construct what [hetero]sexuality as such means, including the standard way it is allowed and recognized to be felt and expressed and experienced, in a way that determines women’s biographies, including sexual ones” (129).

The meaning of *determines* for MacKinnon, rather than implying mechanistic, causal relations between (hetero)sexuality and gender, suggests that gender is the *ground* of sexuality, rather than *caused by* or a *cause of* sexuality. Merleau-Ponty’s distinction between cause and ground of perception is useful here. In the context of discussing visibility, Merleau-Ponty argued against the notion that visible difference (for example, color) is the “cause” of how it is perceived. On the contrary, certain contents of perception—“sensory data”—are the ground (or “object”) and not the cause of perception: through acts of perception we put these contents into play. In other words, embodied consciousness *brings the visible into being* (Merleau-Ponty 1962, 146). Analogously, MacKinnon’s theory is suggestive of the idea that gender brings (hetero)sexuality into being.

According to MacKinnon, we cannot understand how (hetero)sexuality “produces gender” without looking at how, through sexuality, men’s interests are put into play (1989, 129). For example, we can see that the contents of normative feminine behavior—what is allowed and disallowed—shows evidence of men’s interests (131), which is to say that the “gender definition of ‘female’ ” coheres with “the social requirements for male sexual arousal and satisfaction” (143). Thus (hetero)sexuality itself is this process of putting into play the contents of gender, the process through which meanings of gender are embodied, and are thus constituted and organized in socially determinative/compulsory ways. The meaning of *determines* in this account coheres with the theory of hegemony developed

by Marxists: some social/cultural interpretative schemas gain more legitimacy than others within specific life-world contexts and thus take hold of our sense of reality. Thus, I argue that (hetero)sexuality—considered as a hegemony— is a process through which men’s interests gain legitimacy in a patriarchal social order, or, in other words, a process through which masculinist sexuality constitutes itself as men’s *right* to have sexual access to women.⁶

The issue that incites MacKinnon’s critics is whether she was advancing a “totalizing” view of (hetero)sexuality, or, in other words, a view of (hetero)sexuality so thoroughly constructed by male desire and aggression that female sexual agency and “alternative bodily/sexual schemas” are entirely foreclosed.⁷ This criticism, however, relies on a misrepresentation of MacKinnon’s social constructionism as a mechanistic, causal social determinism. When read as a political, phenomenological-hermeneutics of (hetero)sexuality, one can say of MacKinnon’s theory what Butler says of her own theory of the heterosexual matrix: rather than preclude agency, MacKinnon is theorizing the conditions under which women’s sexual agency is “enabled.” In other words, (hetero)sexuality is the ground of women’s agency—where agency is understood in the ontological sense of how an embodied female subject *lives through* (hetero)sexuality. However, to say that women are agents is not to say that they are empowered or free. On the contrary, and in distinction from Butler, MacKinnon’s theory of (hetero)sexuality shows that women’s agency is only enabled within an interpretive and power schema based on men’s sex-right. If MacKinnon is right, her theory compels us to differentiate agency in and of itself from transformative agency. To elaborate this point, however, MacKinnon’s theory, and radical feminist theory more generally, needs to be expanded by a feminist phenomenological approach to agency in the context of compulsory heterosexuality

FEMINIST PHENOMENOLOGY

In her 2000 essay “Merleau-Ponty and Feminist Theory on Experience,” Alcoff specifically focuses on the issue of sexual violation to make the point that in order to clearly understand social reality, feminist theory must attend to lived experience as a central source of social meaning. To

make this point, she retrieves experience from the maw of a linguistic-discourse model of agency.

In its rebound from the early feminist affair with “experience” as authoritative foundation of knowledge, poststructuralist intellectualism now construes experience as merely epiphenomenal, that is, as the “effect” of discourse/ideas/ language.⁸ With this move in feminist theory, our hold on sexual violence—its meaning in the world—slips; this slide in meaning is evidenced on both sides of a terrain dividing certain sectors of high theory from popular antifeminist backlash discourse. Backlash writers are particularly fond of reducing violence to an effect of feminist discourse. Thus “date rape” is said to be a “fiction invented by feminists that is now having material effects in needlessly traumatizing young impressionable women” (Alcoff 2000, 256). In high theory too, sexual violence also often disappears behind the magic-shield of “discourse.”⁹

In order to retrieve experience—in particular, the experience of sexual violence—from the skeptics, we can draw on phenomenology to develop “an alternative account that understands experience as epistemically indispensable but never epistemically self-sufficient” (254). Referring specifically to sexual experience, Alcoff argues that “sexual experiences are cognitive” (269); that is to say, sexual experiences disclose meanings about how the subject is socially situated, “whether or not they can be rendered intelligible in any discursive formation” (269). To elaborate this point, Alcoff constructs a phenomenological description of sexual violation from the perspective of an adult survivor of childhood sexual abuse (268).

In crucial ways, the experiences of date rape and childhood sexual abuse are incommensurable. Nevertheless, central features of sexual abuse, as described by Alcoff, disclose common features of sexual meaning in a patriarchal culture. Alcoff describes the “shame marked on the body itself, as if [the abused child were] a thing to be used, a kind of living spittoon” (268). An abused child feels dependent on an adult who will meet her needs only upon the condition that she acts as this “spittoon,” which is to say, on the condition that the child provides this adult with genital stimulation. “One is told by a trusted adult to take the thing in one’s mouth, to allow groping explorations, to perform distressing enactments

that feel humiliating and foreign. When the child gags and whimpers (or screams and cries), the adult sighs and moans, holding tightly so that the child cannot get away” (268). The child comes to corporeally perceive the abuser’s pleasure “as the product of [the child’s] own pain and torment” (269). Such corporeal perceptions are specific to the brutality of the power-relation between a victim and abuser; but, as I will discuss in more detail in the conclusion, they also disclose a dimension of sexual meaning that is common to a range of sexually coercive practices in a patriarchal sociality.

Alcoff thus refers to “a relationship of ontological dependence” (269) between pleasure and violation. In other words, pleasure and violation are inextricably related within the meaning-complex that underlies our sense of reality. We can describe this meaning-complex in terms of invisible background understandings that enable the intelligibility of a social situation where the intertwining of pleasure and humiliation is “one of the most central features of patriarchy” (269). Institutions, such as the entertainment industry and (unmentioned by Alcoff) pornography, produce “entertainment through ridicule and derision . . . [and] pleasurable sensations of satisfaction through acts of conquest and mastery over others” (269).

Extrapolating now from Alcoff, if this ontology of sexual pleasure is integral to sexual meaning, then the liberal, “sex-positive” model of sexual freedom based on women claiming sexual pleasure is drastically inadequate for understanding the real meaning of women’s sexual agency. If Alcoff is right, sexual pleasure does not presuppose, as the “sex-positive” feminist often assumes, absence of sexual coercion. But neither does this “political ontology of pleasure” foreclose female agency. If we understand agency in the ontological sense of a subject living through the structures and processes of her social situation, then, Alcoff’s political ontology of pleasure indicates that the experience of coercion in a patriarchal society is one condition of women’s sexual agency.

This last claim is possible when we ground a political critique of male domination—such as MacKinnon’s—in a phenomenological account of female agency. The fruitfulness of a political feminist/phenomenological

approach for my project is further demonstrated by turning to Bartky's feminist approach to phenomenology. Like Alcoff's phenomenological approach to sexual experience, Bartky's phenomenology of shame and gender focused on emotions—shame, in particular—as modes of lived experience, which while they are often inaccessible to explicit modes of discourse disclose a subject's "Being-in-the-world" (1990, 83). Bartky explored the question of whether the cognitive dimension of women's shame might offer insights into women's social situation that are not expressed by women's "propositional" beliefs about their situation. Indeed, the drama at the heart of Bartky's essay consists in her inquiry into a commonly experienced conflict between one's emotional experience of a situation and one's explicit beliefs about that same situation. To illustrate, Bartky took the case of a teaching situation where her women students, in sharp contrast to the men, apologized for their own work—despite the fact that the men's work was generally inferior. Yet these same women students explicitly believed that women are men's equals. Bartky drew on Jean-Paul Sartre's phenomenological description of shame to make her point that the women's shame disclosed reality in a way that their explicit beliefs about gender equality did not. For Sartre, shame was a pre-reflexive mode of knowing that consists in the self's "recognition" of how she or he is seen by an Other. The fascinating Sartrean insight, which Bartky further elaborated, is that one's "recognition" does not imply one's overt "identification" with, much less affirmation of, the self-as-seen-by-the-Other. Yet, without the recognition of this self, as Sartre argued, there would be no shame. "I *am* indeed that object which the Other is looking at and judging," (1956, 261) Sartre wrote, "I do not reject it as a strange image, but it is present to me as a self which I *am* without *knowing* it" (261). My recognition of how I am seen by the Other refers to a mode of pre-reflexive consciousness that may very well conflict with how I explicitly *identify* myself—a conflict that attests to the power of the recognition. Thus, to use a personal example, I, as a Jew, am compelled to "recognize" myself in the residue of anti-Semitic stereotypes still present in our culture (schlemiel, pushy, loud)—the physical twinges of shame that surprise me as I write these words confirms the extent to which this is true. "Unless I recognize that I *am* as I am seen by the Other, the Other's judgment cannot cast me down" (Bartky 1990, 85). Thus I am compelled

to recognize my own being in stereotypes, even when (as a critical thinker and feminist) I explicitly reject them. Indeed, I can be “caught in the shameful act” of acting “too Jewish” even in the absence of a specific concrete Other: “Once an actual Other has revealed my object-character to me, I can become an object for myself; I can come to see myself as I might be seen by another” (85).

The shame Bartky’s women students felt indicates that they were compelled to recognize their being (as inferior) in the “gaze” of the Other. This was so, even in the absence of men or other authority figures announcing the women’s inferiority, and even when they believed they were the equals of men, they still came to see their selves as “caught in the shameful act” when turning in their (superior) work. To bring back Merleau-Ponty’s and Alcoff’s conceptual frameworks, the experience of gendered shame implies an embodied female subject putting into play those gendered meanings already at her “disposal” regardless of whether some individual or group is directly, overtly shaming her. In a male supremacist society, women “corporeally perceive” their inferiority; shame is one mode of this perception. The moral of the story here is that there are modes of experience, for example shame, that not only can’t be expressed but that also might sometimes conflict with one’s overt beliefs about the self and world. Evidence of this conflict can be a valuable source of insight into dimensions of social reality that would be otherwise masked, especially if we were to rely solely on peoples’ explicit beliefs as a source of knowledge about peoples’ lived experience of social reality. Bartky’s approach to shame is thus useful for my own attempt to show that in a social situation where few people believe (or openly state) that men have a right to women’s bodies, the “law” of men’s sex-right nevertheless prevails.

TOWARD A PHENOMENOLOGY OF SEX-RIGHT

THE SEXUAL CONTRACT AS A STRUCTURE OF LIVED EXPERIENCE

The fact that women “have” agency within a patriarchal culture does not successfully challenge such radical feminist theories as Rich’s and MacKinnon’s that root compulsory heterosexuality in male dominance. On the contrary, if we ground MacKinnon’s theory of sexuality in phenom-

enology, the theory challenges us to address the question of how women live through (how they experience and make meaning out of) structures of domination. In modern, liberal social orders, the lived experience of subordination for women is also the lived experience of individual choice. The lived contradiction of choice and subordination is central to women's agency in these social orders, and to the persisting (tacit) assumption—by both men and women—of men's sex-right. This lived contradiction is what now needs further explication in order to move toward a phenomenology of sex-right and to revive the radical feminist theory of compulsory heterosexuality from this new perspective.

Bartky's insight into the meaning of gendered shame provides a starting point: women's shame discloses women's pre-reflexive consciousness of their inferiority in a culture where most people believe that women are autonomous individuals and men's equals. However, extrapolating from Bartky, liberalism is not only an overt ideology, belief system, or set of formal principles. Liberalism is also an ontology and, as such, part of the interpretative background of our lived experience in (post)modernity. Our experience and knowledge presuppose pre-reflexive, tacit assumptions about personhood, embodiment, and freedom that are central to this ontology. In other words, liberalism structures our lived experience, including, or especially the lived experience of domination and subordination in liberal social orders. We *experience and participate in* our own subordination as inextricable from our choices: this lived contradiction of subordination and "freedom" in modern, liberal social orders—and specifically in the context of (hetero)sexuality—is best elucidated by Pateman's (1988) theory of the sexual contract.

Pateman's main innovation was to elucidate male dominance as embedded within liberalism's ontology of freedom. When read from a phenomenologicalhermeneutic perspective, Pateman's theory of the sexual contract shows that the latter is part of our background understandings of patriarchal sociality; the sexual contract refers to the interpretative schema through which meanings of heterorelational sexual/social association are put into play, including the meaning of female agency and sexual autonomy. This reading of Pateman follows from her argument that the social/sexual contract, rather than referring to existent contracts, texts, policies,

or doctrines, is an organizing “principle of social association” (1988, 5), or, in other words, a social means of creating relationships (2002, 27). Although we think of contract as an “exchange” of pieces of (material) property between two parties (2002, 27), Pateman calls attention to a special kind of property “exchanged” in the social/sexual contract, namely, “property in the person.” Here we have a central ontological assumption of liberal individualism, or what C. B. MacPherson first theorized as the “possessive individualism” associated with the contract tradition from Hobbes to Locke. According to this tradition, the individual is defined as owner of property in his person. Pateman shows that this central ontological concept of the individual has significant implications for related assumptions about freedom and embodiment. First, as owner of property in the person, an individual’s freedom comes to mean her or his ability to control that property. As a principle of social association, the social/sexual contract thus structures those relations through which one party can *legitimately* use another party’s property in their person, including her or his body and capacities, without in principle violating the latter party’s basic freedom (defined as ownership). As owner of property in one’s person, the individual is constructed as “free” to trade or sell his or her capacities through the contract relation in exchange for some benefit. Note that this “exchange” presupposes a particular notion of embodiment: what is presupposed is a Cartesian view of the individual as able to stand in external relation to her or his body and capacities, as if one’s capacities were separable, like pieces of (material) property, from the “self” (Pateman 1988, 55). As Pateman noted, a powerful “political fiction” masks the fact that a person’s capacities are in fact *not* separable from her or his self like pieces of property. Two powerful examples of this political fiction are the idea of “labor power”—in the case of employment—and “sexual services”—in the case of prostitution. In each case, there is the fiction that an individual can separate her capacities from her self. An ontological presumption of mind/body separation enables the fiction that enables the exchange (employment, prostitution) to be intelligible as an act of freedom; after all, she is not selling her “self” or her body, she is said to be exchanging “services” in exchange for some benefit. However, as Pateman argued, a person *cannot* separate her capacities from her self and *cannot* separate her body from her self. The political and metaphysical fiction of

labor power/sexual services masks this phenomenological fact, as well as hiding the real nature of the transaction taking place through contract—namely, that what a subordinate sells is the right for a dominant party to have command over the subordinate’s body for a specified amount of time (Pateman 1988, chaps. 3, 7).

What are the implications of Pateman’s analysis for the contemporary (hetero)sexual situation? To what extent do women and girls today experience their individual sexual freedom as ownership of property in their person? Political slogans such as “I own my body” and “Keep your laws off my body” certainly resonate with the assumption that embodied freedom is ownership. Such political statements have been effective rhetorical and political weapons in feminist struggles to free women’s bodies from male control. However, do these slogans presuppose the very freedom for girls and women that implicitly licenses—legitimizes—boys’ and men’s access to women’s and girls’ bodies? In other words, To what extent does the experience of individual agency/freedom for women and girls today include tacit presuppositions about preexisting relations of domination and subordination? *Does the sexual contract exist as an interpretative framework for our self-understandings of sexual freedom and agency?* To answer, and to ground my overall argument, I now engage a phenomenological account of women’s (hetero)sexual experience.

NEGOTIATING THEIR OWN SUBORDINATION:

A PHENOMENOLOGICAL DESCRIPTION OF WOMEN’S LIVED EXPERIENCE OF SEXUAL AGENCY WITHIN HETERORELATIONS

“It was violent and hurtful and really scary. But I don’t think I could ever call it rape. Let’s just say that things went badly” (Phillips 2000, 149). This statement comes from one of thirty female college students interviewed by social psychologist Lynn Phillips for her qualitative study, *Flirting with Danger: Young Women’s Reflections on Sexuality and Domination*. The quotation highlights one of the more significant questions Phillips’s study raises, namely, Why do these young women consistently resist labeling their sexual encounters as rape or even abuse when they also describe these as encounters with a male partner who often intimidates, humiliates, and uses physical force against them? One answer is that these wom-

en's descriptions of their lived experience challenge the assumption that yes means yes and no means no. This popular slogan is not only inadequate for addressing, but may also very well serve to mystify the complex interpretative processes involved in women's actual consent to sex with men. Indeed, "yes means yes, no means no" assumes a liberal individualist model of heterorelational encounters as temporally discrete encounters between two choosing individuals. This model leads us to focus on whether women clearly say—and men clearly understand—"yes" or "no" as the main litmus test for determining coercion. But contrary to this model, as Marilyn Frye has argued, "The elements of coercion lie not in [the coerced individual's] person, mind, or body, but in the manipulation of the circumstances and manipulation of the options" (1983, 56). In order to understand women's sexual agency we have to shift our attention from the liberal model of individual choice to the meaning of the situation in which women make choices. Following Pateman, these women's narrative descriptions disclose relations of power that precede any temporally discrete decision to consent to unwanted sex. The narrative descriptions in Phillips's study suggest that the liberal ontology of the individual and men's sex-right are mutually reinforcing structures of the interpretative background of women's experience of sexual agency.

Phillips's descriptive vocabulary for what the women are doing in their heterorelational encounters inadvertently connotes a contract principle of social/sexual association: Phillips describes the women as "negotiating" and "managing" their situation; they employ multiple "stratagems" for dealing with unwanted sex. Such stratagems include pretending to be asleep, faking orgasms, performing oral sex on men in order to avoid "real" sex (intercourse), getting sex "over with" quickly, and running numerous and conflicting fantasies "in the head" in order to reinterpret unwanted sex as "wanted."

Underlying most of the women's stratagems is an effort to interpret their decision making as evidence of their own accountability for unwanted sex with men. Yet, departing now from Phillips, the women see themselves as making decisions in a situation where one factor seems to have been (tacitly) decided on in advance and is thus nonnegotiable, namely, men's right to have sex with them. As Phillips shows, the women's multiple strat-

agems for obtaining their own safety and control are consistently predicated upon their ability to please and satisfy the men they are with (performing oral sex, faking orgasm, and so on). Yet the dominance of male interests is part of an interpretative schema that remains (mostly) hidden. Despite the descriptive details of the women's stories, male accountability completely disappears from these same stories (2000, 112–13).

The disappearance of male accountability in these narratives is puzzling for several reasons, not least because, as Phillips lets us know, the women students interviewed by her are largely self-defined *feminists*, many of who have taken women's studies classes and have some analysis of the relation between rape, male power, and women's oppression. Indeed, male accountability reappears the moment that these women are asked to reflect on *other women's* stories (154–55, and chap. 6). The same women who resisted the label “rape” for scenarios they themselves lived through do not hesitate to use the label for the very same scenarios if they hear it as someone else's story.

In my view, the difference between *living through* a scenario and *analyzing* it is the key to unraveling the meaning of this discrepancy in the women's accounts. Similarly to the female students Bartky described, Phillips's interviewees reveal a clear conflict between their overt feminist beliefs, on the one hand, and their pre-reflexive modes of feeling and knowing, on the other. As Bartky argued of shame, I'd suggest that these pre-reflexive modes of knowing—revealed through the women's narrative descriptions—may disclose more about the reality of their situation than is accessible to their overt beliefs. In sum, male accountability disappears in these women's stories to the extent that *living through* the heterosexual encounter includes, for these women, the “corporeal perception” in contrast to the propositional claim or belief, that men have a right to sexual access to them.

To elaborate, we can consider some of the somatic experiences described by Phillips's interviewees. Their stories reveal that these young women repeatedly live through encounters with partners who are wholly absorbed in their own gratification and completely oblivious to the women's non-verbal cues—nonlinguistic expressions of pain, discomfort, or desire for

pleasure. Like the abused child Alcott described, these women come to know (at a pre-reflexive level) that their partner's pleasure is dependent on their own anguish or alienation.

Thus sex becomes a highly instrumentalized exchange for these women: "Participants reported repeatedly that their decisions about how to present themselves physically, how and when to make noises, and how to move their bodies were determined far less by their own bodily sensations than by their mental calculations of what men would want them to do" (108). Several participants "noted that they spent a great deal of energy 'watching' themselves having sex with men, mentally stepping outside their experiences to determine whether they were acting appropriately" (108). Thus a primary affective state for these women is the "sense of being 'up on the ceiling . . . looking down on the whole thing . . . so busy observing myself that I don't even feel what I'm feeling' " (108). Such a corporeal perception of self suggests that the ontology of the sexual contract is part of the interpretative background of women's lived experience of embodied agency. The very experience of their agency as decision making is the experience of alienating the self from the body, and this experience of alienation—or dissociation—is these women's way of living through and participating in interpretative schema defined by men's interests. It's as if the women have always already contracted; what remains is to negotiate the particulars of a done deal. The women's somatic, emotional experience of sexuality indicates an "attunement"¹⁰ to power relations that they (most often) do not articulate in explicit, propositional form—not, that is, in relation to their own experience.

Yet one participant in Phillips's study does explicitly reflect, "There are times when women can't control the shit that men do to them. I mean, come on, men are really the ones with all the real power. But I figure, as long as I'm already going to get screwed, at least maybe I can set the terms of the abuse or humiliation" (149). While openly acknowledging that her agency is defined by male interests, she assumes this situation to be inevitable rather than open to transformation. It follows that her experience precludes the label "victimization" or "rape": the notion of victimization is unintelligible given that she experiences her subordination *as* agency—an agency defined by negotiating the terms of her subordination.

We need a phenomenological approach that distinguishes agency from freedom to bring this background understanding of agency-as-negotiating-one's subordination further into the foreground. Jeremy Weate's concise articulation of Merleau-Ponty's notion of "bodily freedom" is helpful here. Bodily freedom means an embodied subject's participation "in the transformation of its expressive horizons. . . . This conception of freedom entails a fundamental relation to the historical: being free involves the body's capacity through expression to transfigure (and be transfigured by) what is given as history" (2001, 171). "What is given by history" to the young women in Phillips's study is the contemporary situation of heterorelations; thus their freedom requires a capacity to transfigure this situation. But freedom in this sense is foreclosed by the meaning of *agency* in the sexual situations so far described. These women experience agency not as an ability to transform and co-create a social/sexual situation in its very historicity; they experience agency only as the ability to negotiate the terms of a situation they take to be inevitable, namely, a situation defined by men's implicit right to have sexual access to them.

I contend that without a radical analysis of compulsory heterosexuality, we cannot adequately understand contemporary heterosexualism, the new forms of bigotry it has spawned, and the entrenchment of heterosexual entitlement in our culture's norms and laws. This is because I remain convinced (with my back against the current of the postmodern theoretical zeitgeist) of a central radical feminist claim, namely, that the heterosexual norm has deep roots in a male-supremacist gender order. I have argued in this essay that a fresh approach to theorizing this claim and particularly the central concept of sexright discloses its significance for understanding female agency in the context of contemporary heterorelations. Sex-right can and must be understood from a phenomenological-hermeneutic perspective. Once we adopt this perspective, we can cut through many of the misreadings of radical feminism that haunt feminist discourse to date: First, we can see that by sex-right we are not talking about a juridical right, nor are we claiming that all people explicitly *believe* that men have a right to women's bodies—although some still do. Second, we can see that sex-right does not imply that male domination is individual men's exercise of their sovereign wills over their female subordinates—the tyrant-men who

are literal owners of women. Finally, we can see that sex-right is not simply synonymous with male sexual aggression or men's acts of coercion.¹ When understood from a phenomenological-hermeneutic perspective, sex-right is part of our background understanding of heteronormativity within modern liberal social orders. As a background understanding of heteronormativity—and thus an important condition of its intelligibility—the assumption that men have a right of sexual access to women and girls allows for specific acts of coercion and aggression to take place, but sex-right is not synonymous with those acts.

From this perspective, new forms of girls' and women's sexual agency refer to new ways of *living through* heterorelations. However, as I have argued, it does not thereby follow that girls and women are therefore experiencing a new sexual *freedom*. On the contrary, new forms of sexual agency—of participating in, living through, and experiencing heterorelations—may very well presuppose new forms of men's access to women and girls.²

As women and girls are increasingly positioned as the autonomous negotiators of or decision makers in heterosexual relations, men's sex-right becomes less intelligible at an explicit level. Hence sex-right becomes an invisible background of power presupposed by women's choice to negotiate sex. In this context, the very notion of choice assumes a liberal, contract paradigm of free agreement in a discrete temporal moment between two choosing (decisionmaking) individuals. But, as Pateman shows, and as the women's stories in Phillips's study confirm, this very paradigm of free agreement presupposes a background understanding of relations of domination and subordination. Women's agency, on the one hand, and men's sex-right, on the other, are not mutually exclusive but ontologically dependent. From a phenomenological perspective, women's sexual agency within heterorelations today presupposes men's sex-right. Only by critically describing this reality can we truly distinguish an agency defined by choosing the terms of a given historical/sexual situation (defined by women's subordination) from a freedom defined by women's ability to co-create and transform this historical/sexual situation. Only then will we come to a deeper understanding of what makes heterosexuality "compulsory" today. And only then will we begin to truly conceive of practices that might realize women's sexual and (other forms of) lived freedom.

NOTES

This essay is for Nancy Meyer, Whitney Williams, and Meagan Smith. It is also for the students in my Spring Seminar 2006 on Feminist Phenomenology at the University of New Hampshire. I am very grateful to my friend and mentor Robert Scharff for feedback and insights. Finally, I thank my anonymous reviewer at *Hypatia*, and especially Joan Callahan, Sara Ruddick, and Bonnie Mann for their compassionate and brilliant work as editors of this manuscript and of this special issue.

1. Lesbian separatist theorists were among the first to theorize male power as a relation of access to women—a relation through which men monopolized women's attention, energies, and bodies. Given this theory, the practice of withdrawing access from men—separatism—seemed a logical and practical way to recenter women's energy and regain autonomy (Frye 1983). In another theoretical context—materialist radical feminism in France—Colette Guillaumin (1981) developed the concept of 'appropriation' for theorizing male power. Like Rich—who actually used a schema originally developed by Kathleen Gough (1975)—Guillaumin conceptualized a schema displaying the variety of ways that men appropriate women's labor, resources, sexuality, and time: The concept of 'appropriation' underscores the way that the dominant group has access to the entire reservoir of energies of the subordinate—a relation, according to Guillaumin, that also defines serfdom, colonization, and slavery.

2. For an example of this criticism, see the correspondence between Rich and Ann Snitow, Sharon Thompson, and Carol Vance, included by as part of a new afterward of the reprinted essay (Rich 1986, 69).

3. I am grateful to Nancy J. Meyer for contributing insights to this last paragraph about lesbian agency.

4. Readers will note the similarity between my concept of agency and Butler's notion of subjectivation (1993, 15; 1997, chap. 3), that is, of a subject-in-process that is at once a process of subjection. However, Butler's notion of agency is a real paradox, because Butler's purely linguistic model has no resources for distinguishing agency in and of itself from freedom.

5. MacKinnon tends to conflate sexuality per se with heterosexuality, thus occluding new and potentially transformative forms of agency such as queer and lesbian sexuality. I concede that this is a difficulty with MacKinnon's work—thus in the context of my own reading of her, I will, wherever it is feasible, use the term (*hetero*)sexuality in place of *sexuality*.

6. See R. W. Connell's (1995, chap. 3) theorization of hegemony.

7. Butler claims that alternative schemas of gender/sexuality are internal to “the very logic of the heterosexual symbolic” (1993, 12) and that the very “phallo-centric” symbolic structure of heteronormativity “opens up anatomy as a site of proliferative resignifications” (89).

8. Alcoff discusses this as a false dilemma that “replays tired modernist debates between empiricism and idealism” (2000, 254).

9. See Mardorossian (2002) for a critical comparison between “high” and “low” (popular, backlash) theorists on the issue of rape.

10. Bartky uses Heidegger’s term *attunement*, which refers to “the state in which one may be found,” “the finding *that* one is situated in a world and to the particular *how* of this situation; this ‘finding’ can occur only insofar as *Dasein* has moods, feelings, or humours that constitute its openness or ‘attunement’ to Being” (1990, 83).

11. Various critics of radical feminism have misread the concept of sex-right in these very ways. Good examples are critiques of Pateman by Fraser (1997) and Okin (1990).

12. The most vivid and disturbing illustration of this phenomenon—and certainly one of the most vivid contemporary examples of the instrumental, contractual model of (hetero)sex—has been described as “friendship with benefits.” A *New York Times Magazine* article (Denizet-Lewis 2004) describes current sexual practice among suburban teenagers as consisting in a series of negotiations, conducted largely through use of the internet or telephone. The young people interviewed in the article use technology to arrange a series of hook-ups—sexual encounters intended to be purely casual, dissociated from dating or romantic relationships. What is striking about this negotiation process is that it is largely a practice of girls and boys negotiating for girls to perform oral sex on boys (not only is there no reciprocity but boy-on-girl oral sex on is widely regarded—especially by the boys—as a repulsive activity in which to engage). In my view, what is called negotiating here is a superbly efficient, new means to enable girls to sexually service boys. The process is efficient in that it effectively neutralizes the concept of date rape: in the situation of hook-ups we have a radically instrumentalized sexual exchange constructed primarily in men’s interests yet so deeply embedded in a contractual mode of association that women’s role as decision-makers could function to undermine any claim that they are coerced. I am grateful to Kass Fleisher’s insightful contribution to a discussion of this issue on the Women’s Studies Listserv.

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for our former comrades

LES PÉTROLEUSES WERE THE SEX WORKERS, WITCHES, AND LADY-PROLES OF
THE PARIS COMMUNE WHOSE 'LOVE OF RIOT' BURNT PARIS TO THE GROUND.

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Indeed, “yes means yes, no means no” assumes a liberal individualist model of heterorelational encounters as temporally discrete encounters between two choosing individuals. This model leads us to focus on whether women clearly say—and men clearly understand—“yes” or “no” as the main litmus test for determining coercion... In order to understand women’s sexual agency we have to shift our attention from the liberal model of individual choice to the meaning of the situation in which women make choices.